

**MINUTES**  
**PLANNING and POLICY ADVISORY COMMITTEE**  
November 2, 2006, 10:00 a.m.  
Joint Meeting with the Supreme Court  
**State Capitol-GAR Hearing Room**  
Madison, WI

**Members Present:** Chief Justice S. Abrahamson, Hon. C. Ashley, Hon. D. Bain, Hon. R. Bates, Hon. M. Bohren, Mr. O. Boldt, Hon. R. Brown, Ms. K. Deiss, Hon. T. Dugan, Ms. H. Dugan, Hon. B. Gordon, Mr. S. Johnson, Hon. E. Leineweber, Hon. P. Madden, Hon. W. Marik, Hon. J.D. McKay, Comm. D. McManus, Hon. W.M. McMonigal, Hon. D. Nicks, Hon. D. Nispel, Hon. R. Nuss, Hon. W. Stewart, Mr. M. Tobin, Mr. J. Voelker, Mr. J. Zakowski

**Members Absent:** Mr. J. Dwyer, Ms. L. Hoskins, Mr. J. Walsh

**Guests Present:** Justice L. Butler, Justice N. P. Crooks, Justice D. Prosser Jr., Justice P. Roggensack, Justice. A. Walsh Bradley, Justice J. Wilcox, Mr. C. Thompson (for Mr. J. Dwyer), Hon. R. Sankovitz

**Staff Present:** Ms. D. Brescoll, Ms. S. Gervasi, Ms. P. Radloff, Ms. N. Rottier, Ms. E. Slattengren, Ms. A. Todd

**Meeting Materials Distributed:**

1. 11-2-06 Meeting Agenda
2. 8-10-06 Meeting Minutes
3. SCR 70.39 related to security and facility guidelines
4. PPAC Critical Issues Planning Recommendations on Court Security
5. Security-Facility July 2006 Report
6. Info Bulletin: Biennial Budget Requests
7. PPAC Budget Memo, proposed requests
8. Alternatives to Incarceration Judicial Conference session outline
9. Video conferencing Judicial Conference session outline
10. PPAC Planning Subcommittee ballot

### **1. Welcome and Introductions**

Chief Justice Abrahamson led an introduction of PPAC members, Supreme Court Justices, other guests and staff.

### **2. Previous Meeting Minutes**

The minutes from the PPAC's August 10, 2006 meeting were approved as submitted.

### **3. Court Security and Facilities**

Ms. Slattengren gave a brief overview of the Security-Facility Report that was completed by county security-facility contacts in July of 2006. This reporting process has been online now for one year (two reports) and many counties have inquired as to how PPAC uses this information and why it is collected. Counties have also indicated that the questions in the report are unclear and much of the information being collected does not align with their local reporting and tracking systems.

Chief Justice Abrahamson reiterated that the semi-annual report was established with SCR 70.39 to ensure that the court system as an institution have some knowledge and control of what type of security we are providing within our courts. The report in its current format was useful in supporting SCR 70.39 when it was established but now its purpose and usefulness need to be revisited. Members discussed whether to continue to gather this information for the long term and if so, for what specific purpose(s). It was noted that every county is supposed to have a security and facilities committee. Currently there are some counties who do not submit the semi-annual reports. This is not a mandatory requirement. Public perception of court security issues was also discussed at length and it was determined that educating citizens about security issues should be a future function of data collection.

Judge Nuss stated that he felt counties may need a mandated directive to be more committed on security changes. Judge McKay stated that he felt the general public had little concept of this problem and most people think that courthouses are very secure. It was suggested that PPAC endorse an educational component directed at the general public at this topic. Judge Marik added that education of the people in decision making roles in county government is also a necessary step. Commissioner McManus suggested partnering with the local bar on the issue of security. Mr. Boldt suggested working with the state building commission where construction and remodeling plans are approved and they have the power to set standards and building codes. The Chief agreed with this idea but also stated that much of the problem generally is not in new construction but rather the historic buildings with eight or 10 entrances but establishing a standard now for new facilities is important. Mr. Johnson reported that court administrators and chief judges are working on this issue as they can and counties all have different levels of security and need an incentive other than a tragic incident. Mr. Johnson suggested that a permanent base level funding incentive for counties that would help them leverage additional local funding should be something PPAC considers in its future recommendations. Mr. Zakowski stated that in his county, unless there is a mandate and some money behind it, the funding situation is going to stifle any proactive measures.

Judge Sankovitz stated that the information gathering currently done for PPAC on security and facilities has been useful up to this point as practical way to begin gathering some information on the topic but not dictate to counties. Judge Sankovitz suggested that the next step could be hiring a professional consultant to do 10 county audits and inform the state and counties about the specific security risks. A credible audit could be an impetus for action. Mr. Thompson stated that the Wisconsin Counties Association would be willing to provide support by playing an educational role but stressed that the ability to meet basic needs is difficult for counties right now. Judge McMonigal suggested that counties consider addressing security as a

preventative measure from a risk management standpoint and redirect refunded dividends to a county pool. Ms. Deiss spoke about the security measures in the new justice center in her county and how this was accomplished through an active process of data collection and working with the county board. Judge Bates suggested we look at information from jurors and jury panels and share it with county boards.

The Chief Justice discussed her recent visits to various county courthouses and how each county has different issues and responses in regard to security issues. With the support of PPAC members, the Chief Justice moved for the creation of a new PPAC subcommittee on court security to work through the ideas and proposals generated in this discussion and the recommendations in the Critical Issues plan.

#### **4. Alternatives to Incarceration Subcommittee (AIC) Update**

##### **Discussion Leader: Judge C. Ashley**

Judge Ashley reported that since its creation by PPAC in 2004, the AIC has been working diligently on a couple of objectives. The subcommittee's mission is to *"explore and assess the effectiveness of policies and programs, including drug and other specialty courts, designed to improve public safety and reduce incarceration."* The focus of much of the AIC's recent efforts has been on the Assess, Inform, Measure (AIM) project which was presented to and supported by PPAC at its February 2006 meeting.

Judge Ashley reported that after the AIM was presented to PPAC and the Chief Judges, 11 counties emerged with varying levels of interest in helping to develop the AIM concept. The goals of AIM are:

- Provide the sentencing court with a valid risk, needs and community intervention assessment for sentencing purposes, while creating an outcome feedback loop that provides information on the success of court dispositions and community interventions in promoting offender success and public safety.
- Put into practice and evaluate a process that offers the court reliable information that will have value in the sentencing process, and may lead to the safe diversion of some persons, who may have otherwise received jail or prison confinement time, to community-based supervision and treatment.

Judge Ashley reported that he is greatly inspired by the amount of dedication and energy the interested counties have brought with them in regard to potentially pursuing AIM, especially in light of the fact that this is a grassroots effort where there is currently no funding available for support. Four, half-day AIM planning sessions have occurred and many counties are still at the table and ready to move forward. October 25th was the final AIM planning meeting and all counties have been asked to decide whether or not they are interested in becoming an official AIM pilot by January 1<sup>st</sup>. Judge Ashley indicated that there would be at least three pilot counties and more likely five to seven. The AIM project also supports another recommendation of the subcommittee: the development of criminal justice coordinating councils in every county. Collaboration among many justice system entities is a critical component in the success of AIM.

Judge Ashley also reported that the AIC also has a work group inventorying justice system programs and practices that are occurring throughout Wisconsin. The work group developed a survey that would be going out to chief judges and district court administrators for further distribution throughout their counties in the near future to collect this information.

Lastly, Judge Ashley reported that the subcommittee has discussed its name (Alternatives to Incarceration) at length and whether or not it truly represents the work they are doing. As an alternative name option, the

subcommittee has come up with the "Effective Justices Strategies" Subcommittee for PPAC's consideration. Judge Ashley asked PPAC for guidance on continuing with the old name or adopting the new name. The Chief Justice and PPAC members praised Judge Ashley on the subcommittee's success and hard work to date. PPAC members further discussed innovative initiatives going on throughout Wisconsin, the role of the subcommittee and appropriateness of a name change. The Chief Justice instructed Judge Ashley to make a final decision about the name change.

Lastly, Judge Ashley reviewed the outline for the Alternatives to Incarceration session at the Judicial Conference. Attendees would be instructed on how to get to the AIC web site and what information is available to them. Additionally, the session will cover the topics of criminal justice coordinating councils and the AIM project. Judge Ashley and Judge Dyke will lead this session.

## **5. Videoconferencing Subcommittee Update**

### **Discussion Leader: Judge W. McMonigal**

Judge McMonigal reviewed the outline of the Judicial Conference session on videoconferencing that will be lead by the PPAC Videoconferencing subcommittee. The presentation will outline two approaches the subcommittee could take to further provide guidance to judges in regard to videoconferencing use. The creation of a new statute, rule or legislation that provides broad discretion with a set of criteria will be one approach presented. The other approach recommends modification of the current statutes related to videoconferencing that exist. Judges McMonigal and Leineweber will lead this session and subcommittee members from the court system, public defenders office, Department of Corrections and Winnebago Mental Health will also share perspectives. The subcommittee hopes to gather information through the feedback generated at the session which will help guide the continued direction of its work and future recommendations to PPAC.

## **6. Planning Subcommittee Update]**

### **Discussion Leader: Judge R. Sankovitz**

Judge Sankovitz stated that PPAC had two tasks at this meeting in regard to the Planning Subcommittee: voting on new planning members and, and briefly discussing updates in regard to progress made on planning priorities.

The PPAC Planning ballot was distributed and members voted on the nominees. It was noted that the Hon. Joan Kessler, one of the nominees on the ballot, was removed because the planning positions to be filled were for circuit court judges only. Ms. Slattengren will notify PPAC members of the new planning subcommittee appointments via e-mail.

Judge Sankovitz asked PPAC members if they had anything to share on topics related to the priorities in the Critical Issues Report other than items previously discussed. Judge Bain and Mr. Johnson reported that a pro se coordinator in District IX. had been hired and both district IX. and X. were working on self-help centers which will include a portal web site and self-help forms. Additionally it was noted that a state pro se coordinator in the Director's office, Ann Zimmerman, was hired. Interactive family forms for pro se litigants have been completed and Ms. Zimmerman will be working with RMC on small claims forms. The Chief Justice reported that she sent several letters out to specific individuals and groups whose topics are mentioned in the Critical Issues Report and asked them to follow-up with her. Judge McMonigal concluded the planning discussion by thanking Judge Sankovitz for his great efforts as the Planning Subcommittee Chair. A new Chair will be selected by the Chief effective January 1<sup>st</sup>.

## **7. Legislative Update**

### **Discussion Summary**

The legislative session will not start until January and activity will start a week after the election. Ms. Rottier reported that the court's legislative committee will be working to develop a legislative agenda on behalf of the courts which will focus on three primary issues: reconciliation of some of the conflicts in the statutes that arose in the guardianship and protective placement forms, the repeal of the CPO contribution per the recommendation of chief judges, and a judgeship bill resulting from the information from the weighted caseload study. More information about the weighted caseload study will be presented at the upcoming judicial conference. The legislative committee asked Ms. Rottier to contact agencies and committees of the court system and solicit any specific legislative recommendations or ideas to be considered. These recommendations will help in the development of a coherent strategy for the upcoming session.

Ms. Brescoll reported that the Supreme Court approved all of the budget submissions previously reviewed by PPAC at the August meeting. The court's budget submission is now in the hands of the Governor's office and will go to the legislature in mid-February. Ms. Brescoll reported that the Wisconsin Counties Association also took action on the courts budget request and unanimously endorsed every one of the recommendations. Mr. Tobin reported that the State Public Defender's Office submission requested that eligibility standards be changed but postponed the effective date until the next budget cycle so that it has no fiscal impact on this upcoming biennial budget. Ms. Brescoll stated that the courts also submitted a request in regard to the private counsel reimbursement rates in our budget. Mr. Tobin thanked Chief for her support on this issue.

### **Other Items**

Judge McMonigal spoke to PPAC members about a recent life-threatening incident that happened to him and his family. Court security and the safety of family members is an institutional long-term challenge that must be taken seriously. The Chief Justice concurred and noted that there would be a session at the Judicial Conference for family members of judges. Additionally, it was noted that the National Center for State Courts has a family judicial institute that deals with some of these issues.

The meeting was adjourned.

## **8. Future Meetings**

### **The future meeting schedule is as follows:**

- Thursday, May 3, 2007 @ 10:00, Location TBD